

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 ZALTON E. BROOKS,

5 Plaintiff,

6 v.

7 TOPAZ SUPER CARWASH, BRUNO
8 BERNADA,

9 Defendants.
10

Case No. 2:23-cv-02060-APG-DJA

**ORDER DISMISSING CASE FOR
FAILURE TO SERVE**

11 On February 14, 2025, the plaintiff was advised by the court that this action would be
12 dismissed without prejudice unless by March 16, 2025 the plaintiffs filed proper proof of service
13 or showed good cause why such service was not timely made. ECF No. 18. At the plaintiff's
14 request, Magistrate Judge Albregts extended the deadline to June 19, 2025. ECF No. 22. The
15 United States Marshal again attempted service on the defendants, but was unable to do so. ECF
16 No. 23. The plaintiff has failed to file proof of service nor shown good cause why service was
17 not made. Nor has the plaintiff shown cause why this action should not be dismissed without
18 prejudice under Federal Rule of Civil Procedure 4(m).

19 I THEREFORE ORDER that this case is DISMISSED without prejudice for failure to
20 time serve the defendants. If the plaintiff wishes to pursue his claims against the defendants, he
21 must do so in a new lawsuit.

22 I FURTHER ORDER that the pending motion for summary judgment (ECF No. 24) is
23 denied as moot.

24 I FURTHER ORDER the clerk of court to close this file.

25 Dated: June 24, 2025

26 
27 ANDREW P. GORDON
28 CHIEF UNITED STATES DISTRICT JUDGE